

## REMARKS

By this amendment, claims 1-5, 8, 10-13 and 15-19 have been amended. Support for the amendments to claims 1 and 18 can be found in the specification at least on page 7, lines 14-15 and 18-20; page 8, lines 2-7; page 13, lines 15-20; page 14, lines 20-24; page 15, lines 5-10; page 23, lines 17-21 and 26-30; page 24, lines 10-13; page 26, lines 6-9; and in FIGs. 21 and 22. Claims 1-20 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

### Objection to the Claims

The claims stand objected to because brackets “[ ]” were used therein. Applicant notes the objection to the claims and has amended the same, as presented herein, to substitute parenthesis in place of the brackets. Withdrawal of the objection is requested.

### Rejection under 35 U.S.C. §103

Claims 1, 3-6, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Atsumi (JP409134488A; hereafter “**Atsumi**”). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

As presented herein, independent claim 1 now more clearly recites, inter alia, “thresholding said color information to control an on/off change of state of said ambient light source initiated after said intensity passes a threshold (**T1**, **T2**), wherein the control ... is configured to provide **(a)** a *depiction of dark colors* by switching said ambient light source off in response to said intensity *falling below* the threshold, **(b)** a *reduced on/off flicker* for said intensity *fluctuating at or near* the threshold, and **(c)** *ambient lighting* ... derived from said video content by switching said ambient light source on in response to said intensity *rising above* the threshold to emulate the video content by providing a perceptual extension of a phenomenon of the same”

Applicant submits that neither **Atsumi** nor the alleged design choice discloses at least the aforementioned feature of independent claim 1. In particular, it is submitted that the primary citation to **Atsumi** does not disclose the claimed thresholding control. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Atsumi** and a design choice is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The primary citation to **Atsumi** relates to a surveillance camera system having a controller which turns a light source ON/OFF when a level of video signal is (i) below and (ii) higher than a predetermined threshold value, respectively. (See *Atsumi*, Abstract).

The Office Action contends that **Atsumi** discloses an extracting step and a thresholding step that meets the extracting and thresholding features of independent claim 1. (Office Action, page 2). This contention is respectfully traversed.

**Atsumi**, in the Abstract, expressly teaches, with respect to thresholding, that the controller turns the light source ON when the level of video signal is (i) below a predetermined threshold value and the controller turns the light source OFF when the level of video signal is (ii) higher than the predetermined threshold value. As a result, **Atsumi** clearly teaches away from the aforementioned feature of independent claim 1. Thus, **Atsumi** cannot reasonably be interpreted to disclose the aforementioned feature of independent claim 1.

The secondary citation to design choice is cited for its alleged disclosure that a selection of camera type would have been a matter of obvious design choice. (Office Action, page 2). Applicant submits that the design choice does not add anything that would remedy the aforementioned deficiency in **Atsumi**. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested.

Claims 3-6 depend from and further limit allowable independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been

overcome. Withdrawal of the rejection is respectfully requested.

Claim 18 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 18 is believed allowable and an early formal notice thereof is requested. Claim 20 depends from and further limits independent claim 18 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Allowable Subject Matter**

Allowance of claims 15-17 is noted with appreciation.

Claims 2, 7-14 and 19 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Allowability of claims 2, 7-14 and 19 is noted with appreciation. As presented herein, claim 2 has been rewritten in independent form including all of the limitations of original claim 1. Accordingly, claim 2 is now in prima facie condition for allowance. Claims 7-14 depend from and further limit independent claim 2 and therefore are allowable as well. Claim 19 has been rewritten in independent form including all of the limitations of original claim 18. Accordingly, claim 19 is now in prima facie condition for allowance. Withdrawal of the objection is requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of

statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1, 2, 15, 18 and 19 are in condition for allowance. Claims 3-6 depend from and further limit claim 1 and therefore are allowable as well. Claims 7-14 depend from and further limit claim 2 and therefore are allowable as well. Claims 16-17 depend from and further limit claim 15 and therefore are allowable as well. Claim 20, depends from and further limits, claim 18 and is allowable as well.

The matters identified in the Office Action of April 1, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-20 is requested.

Respectfully submitted,

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